



## Housing Policy and Practices Advisory Group

### Staff Report: Suitability of Sites

**Overview:** Post AB 2348, the fourth and fifth housing element updates faced challenges in demonstrating the development potential on non-vacant sites, non-residential sites, and sites that can accommodate only a small amount of units. These challenges have led to criticism that the sites inventories do not adequately demonstrate potential for the development of housing leading to under-planning for housing need. In addition, because suitability of sites is situational, local governments have expressed confusion on how to determine when a non-vacant site has the potential for redevelopment within the planning period.

#### HCD Preliminary Proposals:

A) HCD will work with stakeholders to provide greater guidance on the following:

- Establish markers to demonstrate that existing uses will not impede redevelopment (e.g., age of building, extent of underutilization, condition, operating vs marginal use, CTCAC points)
- Expand guidance on regulatory framework to demonstrate potential for redevelopment
- Add more sample analyses to the Building Blocks
- Coordinate with COGs on regional analyses or other reports that can be helpful in meeting the requirement.
- Determine the degree to which SCS efforts such as priority areas support the non-vacant sites analysis.

Type of Recommended Change			
<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Procedural	<input type="checkbox"/> Legislative	<input type="checkbox"/> No Change

B) Develop a safe harbor for non-vacant and underutilized sites (Legislative or procedural in the purview of HCD review).

Type of Recommended Change			
<input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Procedural	<input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> No Change

C) Include a site size factor similar to the size factor in the rezone program (16-units/site) in the sites analysis portion of housing element law.

Type of Recommended Change			
<input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Procedural	<input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> No Change

D) Pursue statutory changes to add a safe harbor specific to non-residentially zoned sites (e.g., 50% by income level) where if a jurisdiction assumes no more than a certain percentage, no analysis is necessary (Legislative or procedural in the purview of HCD review).

Type of Recommended Change			
<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Procedural	<input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> No Change

E) Work with stakeholders to develop additional factors for consideration to the sites inventory that align with SB 375 goals.

Type of Recommended Change			
<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Procedural	<input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> No Change

### **Background Information:**

#### **Relevant Government Code Sections:**

##### **65583.2.**

(a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following:

- (1) Vacant sites zoned for residential use.
- (2) Vacant sites zoned for nonresidential use that allows residential development.
- (3) Residentially zoned sites that are capable of being developed at a higher density.
- (4) Sites zoned for nonresidential use that can be redeveloped for, and, as necessary, rezoned for, residential use.

(b) The inventory of land shall include all of the following:

- (1) A listing of properties by parcel number or other unique reference.
- (2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.
- (3) For nonvacant sites, a description of the existing use of each property.
- (4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.
- (5) A general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities. This information need not be identified on a site-specific basis.

- (6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.
- (7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan for reference purposes only.
- (c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing. The city or county shall determine the number of housing units that can be accommodated on each site as follows:
- (1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulations requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.
- (2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583.
- (g) For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.
- (h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c) and at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c). At least 50 percent of the very low and low-income housing need shall be

accommodated on sites designated for residential use and for which nonresidential uses or mixed-uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.

(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

#### Discussion:

##### ***Non-vacant and Underutilized Sites***

The statute allows jurisdictions to rely on non-vacant and underutilized residential sites to accommodate the regional housing need. Examples include sites with potential for recycling, scattered sites suitable for assembly, publicly-owned surplus land, portions of blighted areas with abandoned or vacant buildings, areas with mixed-used potential, substandard or irregular lots which could be consolidated, and any other suitable underutilized land.

If the inventory identifies non-vacant sites to address a portion of the regional housing need, the element must describe the additional realistic development potential within the planning period. The analysis must describe the methodology used to establish the development potential considering all of the following: 1) the extent existing uses may constitute an impediment to additional residential development; 2) development trends; 3) market conditions; and 4) availability of regulatory and/or other incentives such as expedited permit processing, and fee waivers or deferrals.

However, there is concern that non-vacant sites do not constitute a realistic opportunity for development of lower-income housing as sites may have long-term leases, require lot-assemblage with other parcels that have existing uses, or there is uncertainty whether the current use would be discontinued in the planning period. This issue is especially critical in localities that rely on existing heavily commercial corridors and those that do not have a history of facilitating

redevelopment, adaptive reuse, or recycling to residential or more intense residential uses

#### Example: Palo Alto

The City of Palo Alto relied heavily on non-vacant sites to accommodate their RHNA, nearly all of which went to fulfill the housing need for low and very low income.

**Table 3-9: Comparison of RHNA Need and Housing Inventory Sites**

	Very Low	Low	Moderate	Above Moderate	Total
<b>RHNA</b>	<b>691</b>	<b>432</b>	<b>278</b>	<b>587</b>	<b>1,988</b>
Housing units built, permitted, entitled, or in entitlement or building permit process since January 1, 2014	-	96	-	344	440
Estimated second unit production	-	-	32	-	32
Potential housing on vacant land	90	-	-	38	128
Potential housing on commercially zoned sites that could accommodate mixed-use development	1,004	-	-	-	1,004
Potential housing on Residential Transition (RT) zoned sites that could accommodate exclusive residential or mixed-use development (SOFA II sites)	171	-	-	-	171
Potential housing on existing residentially zoned sites that are developed with non-residential uses	371	-	-	18	389
Committed assistance for existing units - Conversion pursuant to 65583.1(c)	23	-	-	-	23
Total Housing Inventory Sites	1,659	96	32	400	2,187
<b>RHNA Surplus</b>	<b>+199 units</b>				

- 111 sites were identified with a total capacity for 1,004.
- Sites accommodated between 5 and 27 units.
- Sites were typically located within one half mile radius of major transit stations or served by major bus routes.
- Improvements on the identified sites are at least 20 years of age and were not significantly redeveloped since 1990. Some areas are characterized by one to two-story building built in the 1970's.
- The sites have no existing residential uses and are likely to be redeveloped with higher value mixed uses with residential units in the future.
- Many of the commercially zoned parcels that allow residential uses require a ground floor retail component
- Has been designated as a Priority Development Area to provide incentives and attract greater investment along the California Avenue corridor.

SITE TYPE	APN	ADDRESS	ZONING	MAX. DENSITY	MAX. YIELD	LAND USE	SIZE (acres)	REALISTIC CAPACITY	EXISTING USES	OPPORTUNITIES AND CONSTRAINTS	AV RATIO
Commercially Zoned Site	120-15-103	360 University Av	CD-C (GP/P)	40 du/bc	13	CC	0.34	7	1 Story Retail	Existing Commercial Use	1
Commercially Zoned Site	120-16-011	630 Cowpe St	CD-C (P)	40 du/bc	13	CC	0.34	7	1 Story Office	Existing Commercial Use	0.45
Commercially Zoned Site	120-26-002	130 Lyton Av	CD-C (P)	40 du/bc	13	CC	0.34	7	2 Level Parking Structure	Parking serving adjacent commercial uses	0.36
Commercially Zoned Site	132-46-100	4115 El Camino Real	CN	20 du/bc	7	CN	0.35	7	1 Story Eating Drinking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	1.03
Commercially Zoned Site	137-08-081	3630 El Camino Real	CN	20 du/bc	7	CN	0.37	7	2 Story Office, Surface Parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	0.36
Commercially Zoned Site	137-11-078	3700 El Camino Real	CN	20 du/bc	7	CN	0.36	7	1 Story Personal Service, Retail, Surface Parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	0
Commercially Zoned Site	137-11-083	3896 El Camino Real	CN	20 du/bc	7	CN	0.32	7	1 Story Retail, Eating Drinking, Surface Parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	0.56
Commercially Zoned Site	132-37-033	3905 El Camino Real	CS	30 du/bc	9	CS	0.32	7	2 Story Commercial, Surface Parking	Existing Commercial Use	0.17
Commercially Zoned Site	132-37-052	3951 El Camino Real	CS	30 du/bc	9	CS	0.32	7	1 Story Retail, Commercial	Existing Commercial Use	0.62
Commercially Zoned Site	132-37-056	3901 El Camino Real	CS	30 du/bc	9	CS	0.33	7	1 Story Retail, Surface Parking	Existing Commercial Use	1.08
Commercially Zoned Site	132-38-048	268 Lambert Av	CS	30 du/bc	10	CS	0.35	7	1 Story Office Commercial, Light Industrial	Existing Commercial Use	0.64
Commercially Zoned Site	132-41-088	3801 El Camino Real	CS	30 du/bc	10	CS	0.35	7	1 Story Office, Surface Parking	Existing Commercial Use	1.14
Commercially Zoned Site	132-48-119	4195 El Camino Real	CS	30 du/bc	10	CS	0.35	7	1 Story Automotive Services	Existing Commercial Use	0.88
Commercially Zoned Site	132-48-120	4193 El Camino Real	CS	30 du/bc	10	CS	0.36	7	1 Story Medical Office, Automotive Services	Existing Commercial Use	0.56
Commercially Zoned Site	124-33-066	2585 El Camino Real	CN	20 du/bc	8	CN	0.4	8	Surface parking	Parking serving adjacent commercial uses	0
Commercially Zoned Site	132-40-059	3609 El Camino Real	CN	20 du/bc	8	CN	0.42	8	Gas Station	Underground Storage Tank, Current Maximum Residential Density is 15 du/bc	0
Commercially Zoned Site	132-41-083	3783 El Camino Real	CN	20 du/bc	8	CN	0.42	8	1 Story Eating Drinking, Retail, Commercial, Surface Parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	1.33
Commercially Zoned Site	137-01-070	2200 El Camino Real	CN	20 du/bc	8	CN	0.41	8	Gas Station	Underground Storage Tank, Current Maximum Residential Density is 15 du/bc	0.11
Commercially Zoned Site	132-38-068	425 Portage Av	CS	30 du/bc	12	CS	0.4	8	1 Story Commercial, Office	Existing Commercial Use	0.31
Commercially Zoned Site	132-38-045	3200 Ash St	CS	30 du/bc	11	CS	0.39	8	1 Story Office, Surface Parking	Existing Commercial Use	4.6
Commercially Zoned Site	132-38-046	3250 Ash St	CS	30 du/bc	11	CS	0.38	8	2 Story Office Commercial	Existing Commercial Use	1.13
Commercially Zoned Site	148-09-010	4335 El Camino Real	CS	30 du/bc	12	CS	0.4	8	2 Story Commercial, Office	Existing Commercial Use	1.21
Commercially Zoned Site	120-34-014	99 Encina Av	CC	30 du/bc	13	CC	0.44	9	Surface parking	Parking serving adjacent commercial uses	0.01
Commercially Zoned Site	124-30-017	1921 El Camino Real	CN	20 du/bc	9	CN	0.43	9	1 Story Eating Drinking, Surface parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	0.97
Commercially Zoned Site	132-46-104	4138 El Camino Wy	CN	20 du/bc	9	CN	0.45	9	2 Story Office	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	0.32
Commercially Zoned Site	137-01-113	2280 El Camino Real	CN	20 du/bc	9	CN	0.43	9	1 Story Eating Drinking, Surface parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	0.06
Commercially Zoned Site	137-01-125	2257 Yale St	CN	20 du/bc	9	CN	0.43	9	2 Story Office, Surface Parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	1.23
Commercially Zoned Site	132-38-071	429 Lambert Av	CS	30 du/bc	13	CS	0.45	9	1 Story Automotive Services, Office	Existing Commercial Use	0.23
Commercially Zoned Site	167-08-036	4232 El Camino Real	CS	30 du/bc	12	CS	0.43	9	1 Story Daycare School	Existing Commercial Use	1.07
Commercially Zoned Site	137-01-069	559 College Av	CN	20 du/bc	10	CN	0.47	10	2 Story Retail, Surface Parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	1.81
Commercially Zoned Site	124-33-067	2501 El Camino Real	CN, CC (2)	20/30 du/bc	10	CN	0.51	10	1 Story Eating Drinking	Existing Commercial Use. Current Max Res Density is 15 du/bc on portion of lot	0.33
Commercially Zoned Site	132-38-090	415 Lambert Av	CS	30 du/bc	15	CS	0.51	10	1 Story Commercial	Existing Commercial Use	3.44
Commercially Zoned Site	132-41-096	3885 El Camino Real	CS	30 du/bc	14	CS	0.47	10	1 Story Eating Drinking, Surface parking	Existing Commercial Use	3.51
Commercially Zoned Site	167-08-030	4230 El Camino Real	CS	30 du/bc	15	CS	0.52	10	1 Story Automotive Service	Existing Commercial Use	0.64
Commercially Zoned Site	167-08-035	4280 El Camino Real	CS	30 du/bc	14	CS	0.48	10	1 Story Automotive Service	Existing Commercial Use	0
Commercially Zoned Site	124-29-020	130 Grout Av	CC (2)	30 du/bc	17	CC	0.59	12	1 Story Commercial, Office	Existing Commercial Use	0.23
Commercially Zoned Site	132-38-062	435 Arcata Av	CS	30 du/bc	18	CS	0.62	12	1 Story Office	Existing Commercial Use	7.47
Commercially Zoned Site	167-08-042	4256 El Camino Real	CS	30 du/bc	17	CS	0.59	12	1 Story Eating Drinking	Existing Commercial Use	0.14
Commercially Zoned Site	132-36-077	2675 El Camino Real	CN	20 du/bc	13	CN	0.63	13	1 Story Eating Drinking, Surface parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	0.59
Commercially Zoned Site	132-44-022	4115 El Camino Wy	CN	20 du/bc	13	CN	0.64	13	1 Story Commercial, Surface Parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	0.75
Commercially Zoned Site	120-34-001	841 El Camino Real	CS	30 du/bc	19	CS	0.64	13	Automotive Service	Existing Commercial Use	0
Commercially Zoned Site	167-08-037	4222 El Camino Real	CS	30 du/bc	19	CS	0.63	13	1 Story Eating Drinking	Existing Commercial Use	0.41
Commercially Zoned Site	132-43-153	4085 El Camino Wy	CN	20 du/bc	14	CN	0.71	14	1 Story Retail, Surface Parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	0.7
Commercially Zoned Site	132-44-100	4135 El Camino Wy	CN	20 du/bc	15	CN	0.75	15	2 Story Office, Underground Parking	Existing Commercial Use. Current Maximum Residential Density is 15 du/bc	4.06



## ***Small Sites***

While infill housing is a critical strategy in meeting greenhouse gas reduction targets, it is widely recognized that infill development, particularly higher density affordable rental housing is difficult and subject to substantial barriers. This is particularly apparent when developing on small sites (.5 – 1.0 acres) given the necessary economies of scale to facilitate development of housing affordable to lower-income households. For example, most assisted housing developments utilizing State or federal financial resources typically include at least 50 to 80 units.

HPD typically requests additional information when utilizing smaller sites, to demonstrate their feasibility for development and appropriateness to encourage developments affordable to lower income households. Additional information requested usually includes describing existing and/or proposed policies or incentives to facilitate affordable housing development on small lots and/or by lot consolidation.

### **Example: Hermosa Beach**

When first submitted in the fourth cycle, the Hermosa Beach housing element relied almost exclusively on the development potential within existing single-family neighborhoods (zoned for high density) to accommodate its regional housing needs allocation (RHNA) for lower-income households. All sites were smaller than one-quarter of an acre and would accommodate no more than four units per site with limited opportunities for lot consolidation. While the City had some success in redeveloping small parcels, these projects were related to the demolition and reconstruction of a single family home for above-moderate income households.

While the zoning allowed for densities that could accommodate lower-income households, the size of the sites and trends relating to typical development demonstrated this strategy to meet the housing need for lower-income households was not viable. As a result, the City chose to develop an overlay for its commercial corridor to allow for more opportunities for multifamily development.

### ***Potential Additional Site Criteria:***

One of the criticisms of the sites inventories is that the minimum criteria outlined in the Statute are not effective in identifying real opportunities for housing development, especially for lower-income households. In addition, the requirements do not include criteria that reflect State priorities related to greenhouse gas reduction, proximity to transit, equity, and fair housing.

To increase the usefulness of inventories and make it easier for local governments to include additional criteria should they desire, HCD has put

together workshops and guidance to assist local governments in evaluating their sites inventories using analytical tools such as UC Davis's Regional Opportunity Index. However, many jurisdictions do not use these tools when developing the sites inventory.

#### Example: HCD Outreach

The Department has conducted outreach to planning directors to promote the use of the 2014 San Joaquin Valley Regional Fair Housing and Equity Assessment (FHEA) in developing effective strategies to address existing and projected housing needs. The Department has also collaborated with California Coalition for Rural Housing and University of California at Davis' Center for Regional Change to create a suite of tools and services available at no cost to jurisdictions in the San Joaquin Valley that can supplement the San Joaquin Valley Regional FHEA. These resources include Geographic Information Systems analysis and mapping, community mapping of various socio-economic indicators including the Regional Opportunity Index and sample analysis, policies, and programs for incorporation into the Housing Element.

#### Tensions:

##### **Local Government:**

- Small sites or non-vacant sites may be the only areas available for development.
- Rezoning alternate areas could be controversial and costly.
- Many of the growth areas identified in the SCS are in existing commercial corridors such as transit priority areas.
- Where and how development should occur is in the purview of the local government.

##### **Advocates**

- Sites with existing uses can be more costly and difficult to build affordable housing.
- Many times, sites are too small to realistically build non-market rate housing.
- Site inventories may not represent the best locations and opportunities for the development of affordable housing.

#### Relevant Survey Information:

##### **Site Criteria**

- Develop clear standards for relying on sites with existing uses. Many cities rely on the redevelopment of "underutilized" sites to meet their RHNA obligations. However, these sites often have existing, ongoing uses, and their owners often have no intention of discontinuing the existing use or adding housing.



- “Underutilized” sites are excessively relied upon in recently adopted housing elements. Many of these sites are occupied by existing uses that will effectively prohibit conversion to housing use. HCD should develop standards to identify only sites that have true capacity for redevelopment for housing use.
- Numerous jurisdictions use what they claim are under-utilized sites to accommodate the RHNA even with knowledge that the sites are in use, under long term leases, and without having conversations with the leaseholders about whether they plan to vacate.
- Over reliance on so-called “under-utilized” sites to accommodate the RHNA seriously undermines the requirement of the statute that housing elements identify and make available sufficient and appropriate sites to accommodate the RHNA during the planning period.
- How do we quantify sites, income, density, such that everyone is playing by the same rules, year-to-year, housing element to housing element?
- Consider draft guidance on land inventory and/or capacity analysis that would have approved criteria to qualify all parcels within a jurisdiction.

### ***Site Suitability***

- As for mixed-use sites, particularly smaller sites, it is typically the case that densities much higher than the default densities assigned to a jurisdiction are necessary for the sites to be viable for housing affordable to lower-income households. Input from local affordable housing advocates and providers on this issue are important during the housing element review process.
- Among the largest gaps in the current implementation of housing elements at the local level is reliance on sites identified to accommodate affordable housing needs on which it would be infeasible or impossible to actually develop affordable homes.
- Reliance on sites identified to accommodate lower-income housing needs that are so geographically marginal and disconnected from transit and other amenities that no affordable housing development could secure funding is an issue.
- Develop clearer standards for relying on small sites. Jurisdictions often rely on sites of one acre or less to meet their lower-income RHNA obligations. Non-profit housing developers indicate that such small sites are generally not feasible for the development of affordable housing.
- Sites included in the housing element inventory for a prior cycle should not be presumed to be adequate in the current planning period. The law requires that the site availability determination be made for the time period covered by the element, not some prior period.
- Many of these issues are difficult to apply to rural jurisdictions with long-standing policies that encourage growth within the incorporated urban areas, where public facilities and services are more readily available.
- The current system fails to recognize the fundamental disconnect between the reality of the housing market and the resources and tools available to local government to drive the production of low/mod housing. Minimum

project size/scale requirements for qualifying sites may actually discourage the production of affordable units by triggering land assembly requirements and increasing scale-based costs.

- HCD staff are pressured to give jurisdictions a pass on critical areas like identifying sites to meet multifamily RHNA, allowing jurisdictions to claim that RHNA allocations will be met by 'second units' without adequate supporting analysis or rental covenants, and enforcing statutory obligations to analyze and address housing needs of persons with special needs including farm workers, persons with disabilities and the homeless. HCD should not have discretion to enforce these critical provisions. The result is that some elements have been approved where the sites identified for lower income housing are extremely small and would require an aggressive site consolidation program with owner agreement before they could be available
- Affordable housing projects should be as-of-right, wherever they are.

### ***Potential Additions to the Sites Criteria***

- The idea of considering access to jobs, transit, schools, etc. is very good.
- Accommodating RHNA allocations is already challenging and should not be made more challenging by adding more suitability criteria. Local jurisdictions are better able to integrate other suitability criteria, including mutually exclusive or competing criteria, into their land use decisions.
- Affordable housing needs to be sited near jobs, not as a blanket over wide areas that only guarantees more long commutes.
- Identifying sites in local housing elements that are within Priority Development areas and eligible for CEQA streamlining would facilitate meeting the goals of both housing element law and SB 375.
- One way to strengthen the connection of housing elements and SCS would require that sites identified for affordable housing be assessed against LIHTC scoring criteria. Those criteria include many of the factors of opportunity and transit accessibility that are correlated with reduced auto dependency. Ensuring that affordable housing opportunity sites are also competitive for affordable housing financing would also mean that affordable housing might actually be built on identified sites rather than being a practical impossibility.
- Site inventories should specify which sites are located in SCS targeted growth areas, and should specify whether sites are within 1/4 and 1/2 mile of a major transit station, corridor or node.
- Infrastructure for high density development is not considered or supported.
- The housing that the agency should be focused on is only new housing construction that is within a 1/4 walk from a transit node. Zero dollars and time should be spent encouraging or abetting housing construction that is not within the existing urban/suburbia core that is supported by a robust transit node (at least 16 hours per day of service).
- Sustainability criteria should include cost. Access to transit should not be emphasized as a criterion for evaluating sites.

- Additional suitability criteria for jurisdictions which for a variety of reasons do not and will not meet "normal" access to transit due to jurisdiction size, location (proximity to urban areas) would be problematic.
- If state housing law is encouraging smart growth principles, then the linkage between dense, affordable, in-fill development and limiting sprawl must be made more clear and tangible.
- Move away from one-size-fits-all statewide standards for density and minimum lot size and transition to a more performance based system that accomplishes low income housing goals, and greenhouse gas reduction goals in a way that is consistent with regional Blueprints, Sustainable Communities Strategies, Regional Transportation Plans, and the social and economic settings of varying regions across the state. Current standards actually discourage high density residential development in downtown areas that are well connected to transit and services that could benefit low-income individuals, in favor of high density greenfield development on the urban fringes.
- Incentivize providing additional suitability criteria. We can do it if we have the funding for to provide a more in-depth analysis.